

# **CORRECTED FISCAL NOTE**

## **SB 3217 - HB 3467**

April 6, 2004

**SUMMARY OF BILL:** Enacts the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004, which requires:

- An annual registration fee of \$60.00 from each offender
- Expands the type of employment that a sexual offender must report on registration to include any position that involves working with children;
- Registration of any secondary residence;
- Offender must register within 48 hours of any status change;
- Offender must register with designated law enforcement agency and the law enforcement agency must submit all information to the Tennessee Bureau of Investigation through the TIES system. Board of Probation and Parole will register, monitor and input information through TIES for offenders under their supervision.
- Adds information to registration form including any government identification number if there is no driver's license number, employer's address and telephone number, identification number of any vehicle, name, address, and telephone number of closest relative, whether victim was a minor or an adult, and whether any minor resides in the offender's home;
- Sexual offender must sign registration form under penalty of perjury and classifies such perjury as a Class E felony instead of a Class A misdemeanor.
- Replaces the right to petition the court to be removed from the registry after 10 years with an administrative procedure through the TBI if the offender has no additional sexual offenses for 10 years;
- Expands the definition of violent sexual offenders requiring lifetime parole to include aggravated sexual exploitation of a minor, especially aggravated sexual exploitation of a minor, aggravated kidnapping of a minor, especially aggravated kidnapping of a minor, sexual battery by an authority figure, and solicitation of a minor. Expands responsibility of Board of Probation and Parole for supervision of sexual offenders;
- Violation of the registration requirements will be a Class E felony offense with the first offense penalty being mandatory incarceration of 90 days and a fine of \$350, second offense 180 days and \$600 fine, third and subsequent offense one year and \$1,100 fine. Current penalty is a Class A misdemeanor with mandatory 180 days incarceration;
- Any offender attending high school or trade school in addition to college or university must include educational institution in registration.

## **ESTIMATED FISCAL IMPACT:**

On March 22, we issued a fiscal note on this bill indicating an estimated impact of:

Increase State Expenditures - \$118,600/Incarceration\*  
\$147,100 Recurring  
\$528,500 One-Time

Increase State Revenues - Exceeds \$200,000

Increase Local Govt. Expenditures - Exceeds \$100,000

Decrease Local Govt. Expenditures - Exceeds \$200,000

The fiscal impact of this bill, based upon the receipt of additional information from the Board of Probation and Parole, is estimated to be:

### **(Corrected Fiscal Note)**

**Increase State Expenditures - \$118,600/Incarceration\***  
**\$102,300 Recurring**  
**\$467,100 One-Time**

**Increase State Revenues - Exceeds \$50,000/Earmarked**

**Increase Local Govt. Revenues - Exceeds \$200,000/Earmarked**

**Increase Local Govt. Expenditures - Exceeds \$200,000**

**Decrease Local Govt. Expenditures - Exceeds \$200,000**

Estimate assumes:

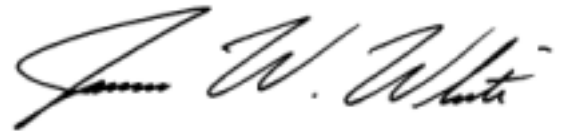
- Tennessee Bureau of Investigation – Upgrade of Sexual Offender Registry data system, staff trainer, initial setup including vehicle will be an increase in state expenditures of \$83,100 recurring and \$235,100 one-time;
- Board of Probation and Parole – Installation of TIES stations in 8 BOPP field offices, scanner equipment to identify offenders by fingerprint and palm print, software and training will be an increase in state expenditures of \$19,300 recurring and \$232,000 one-time;
- Incarceration costs for violation of registration requirements will be an increase in state expenditures of \$118,600 based upon 29 previous convictions elevated to Class E felony offenses from a Class A misdemeanor;
- Local government will have a decrease in expenditures for incarceration costs for registration violations due to offense being elevated from a misdemeanor to a felony;
- Local government will have an increase in expenditures to intake sexual offender registration and transmit information through TIES system to TBI;
- Increase in state revenues from \$60 annual registration fee from over 1,200 offender with 70% collection rate is estimated to exceed \$50,000 earmarked for the Board of Probation and Parole registering offenders.

- Increase in local government revenues from the \$60 annual fee from 4,800 offenders with 70% collection rate is estimated to exceed \$200,000 earmarked for the law enforcement agency that registers sex offenders and collects such fee.

*\*Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated for operating cost, in current dollars, shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director